

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/US2004/030198	International filing date (day/month/year) 15.09.2004	Priority date (day/month/year) 15.09.2003	
International Patent Classification (IPC) or both national classification and IPC H04L29/08, G07F17/32			
Applicant ACRES GAMING INCORPORATED			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Hackl, A Telephone No. +49 89 2399-6989



**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-8
	No: Claims	9-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V.**

1. Reference is made to the following documents:

D1 : US 5 816 918 A (KELLY ET AL) 6 October 1998 (1998-10-06)

D2 : US 6 319 125 B1 (ACRES JOHN) 20 November 2001 (2001-11-20)

2. The subject-matter of **claim 1** does not comply with the dispositions set out in Articles 33 (1) and (3) PCT regarding inventive step.

Document D1 discloses according to most of the features of claim 1, a gaming network (figure 3, 4), comprising:

- a gaming device (figure 3, 4) coupled to the network;
- a host system (figure 3) structured to communicate (column 21, line 31 - 34) with the gaming device and structured to store historical information about a player (column 21, line 28 - 30);
- a game state database (column 21, line 28 - 30) coupled to the host system (column 21, line 31 - 34, figure 3) and structured to store a state of a game of the player (column 21, line 31 - 35) after the player is no longer playing the game;
- a packet generator structured to generate a message paket that includes a unique player identifier of the player and to send (column 21, line 28- 33) it to the host system; and
- a paket receiver structured to receive the message paket and perform a function (column 21, line 33 - 42).

The subject-matter of claim 1 differs from the disclosure of document D1 in that, the paket receiver decodes the player identifier to perform a function based on the identity of the player.

The technical problem to be solved by the present application can therefore be regarded as how to ensure that a game device loads the corresponding state of a game of a player.

A skilled person in the field networked (gambling) gaming devices starting from the

disclosure in D1 on column 21, lines 28 - 30 where it is already explicitly mentioned that a credit account (state of the game) is linked and stored together with a player ID) and further aware of the teaching of D1 on column 21, line 33 - 42) that the credit account of a player can be sent to any networked gaming device has to decode the player id of a player who wants to play on a networked gaming device as a necessary implementation detail in order that the server can send the right credit account of this player to the gaming device. Therefore a skilled person would arrive without any inventive ability at a system corresponding to the subject-matter of claim 1.

The subject-matter of claim 1 is thus considered to be not inventive (Articles 33(1) and (3) PCT).

3. With respect to the objection raised above, the subject-matter of **independent claim 6** does also not comply with the dispositions set out in Articles 33 (1) and (3) PCT.
- 3.1 The subject-matter of **independent method claim 6** corresponds to the subject-matter of system claim 1, whereby all the method steps of the method claim are represented by corresponding structural system features. The objections raised in respect of the system claim, therefore, also apply, mutatis mutandis, to this claim.
4. The subject-matter of **method claim 9** that is formulated as independent claim does not comply with the dispositions set out in Articles 33 (1) and (2) PCT regarding novelty (see column 28, paragraph 1).

**Remark:** As D1 already discloses most of the features of independent method claim 6 and all the features of independent method claim 9, the applicant should, in order to avoid a possible non-unity objection, integrate the claims 9 to 11 as dependent claims to claim 6.

5. For the sake of completeness, it is pointed out that the subject-matter of claims 1, 6 and 9 is also not inventive, respective new, over the disclosure of document D2 (see citations in the search report).
6. **Dependent claims 2 - 5, 7, 8, 10 and 11** do not appear to contain any additional

features which, in combination with the features of any claim to which they refer, involve an inventive step for the following reasons: the subject-matter of said claims is either directly derivable from prior art documents or represent minor details generally known in the field.

Therefore the subject-matter of these dependent claims does not involve an inventive step so that these claims do not comply with the dispositions set out in Articles 33 (1) and (3) PCT.

**Re Item VII**

**Certain defects in the international application**

1. The independent claims are not in the **two-part form** required by Rule 6.3(b) PCT, with a preamble based on D1.
2. The features of the claims are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant **background art** disclosed in document D1 is not discussed in the description, nor is this document identified therein.

**Re Item VIII**

**Certain observations on the international application**

1. The wording of a claim should leave no doubt as to which category the claim belongs. In order to meet the requirements of Art. 6 PCT with respect to clarity, the system claim 4 should be defined in terms of structural apparatus features and not in terms of a method ("a process...").

The claim should refer clearly to a single category. An amendment could be worded e.g. "... a mechanical card reader with a processor that is coupled to the mechanical card reader, the processor adapted to send a card data message...".

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2. There is no antecedent definition for the term "**the visual** indication..." in claim 10 which renders this claim unclear.